

***Claim Status:***

Claims 1-43 are pending. Claims 1-43 are rejected as detailed below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10-15, 19-27, 29-35 and 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,483,602 issued to Haneda (hereafter Haneda), as best examiner is able to ascertain.

Claims 1, 20, 33, 40, 41, 43:

Haneda discloses:

a) determining whether or not the storage medium has been assigned a unique volume label and a unique label identifier [the identification code on the user's disk is compared with the identification code attached to the image data preserved on the lab's disk in the laboratory system, col 20, lines 25-30]

Note:

(1) storage medium is interpreted as user's disk, col 15, lines 5-10]

(2) unique volume label is interpreted as processing serial number, col 15, line 38

(3) unique label identifier is interpreted as film number, col 15, line 43 on a bar code label, col 19, lines 5-10, Fig 10]

b) if the storage medium has not been assigned a unique volume label and a unique label identifier, then

(i) determining a unique label identifier for the storage medium [identification code is stored on the original film, on the user's disk, Fig 10, on the lab's disk 16, Fig 10, col 4, lines 8-15, col 19, lines 50-65]

(ii) determining a unique volume label for the storage medium [processing serial number, col 15, lines 35-40],

(iii) writing the unique volume label onto the storage medium [bar code label in Fig 10, col 19, lines 5-10]

Note:

(1) writing the unique volume label onto the storage medium is ambiguous because it is typically interpreted as entering data directly onto the storage medium as opposed to a label which is affixed to an external surface of the user's disk. However, claim 6 includes a bar code label and so that will be the interpretation.

(iv) providing a command to generate a label based on the unique label identifier, the label to be associated with the storage medium [print label, Fig 10, col 19, lines 55-60] c) updating a database based on files, if any, added to or deleted from the storage medium [lab's disk includes an enormous amount of file image data, col 22, lines 55-60, original digital image

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data is stored on a laboratory recording medium together with an identification code identifying the roll of film, abstract, when the fixed period of time elapses, the image data is erased, col 20, lines 30-35]

Claim 2, 21:

Haneda discloses d) synchronizing the database with a database on a device apart from the read/write machine [reading the bar code on the user's disk, comparing identification codes and printing photographs, col 20, lines 50-60]

Claim 3, 13, 32:

Haneda discloses the read/write machine is a personal computer [Fig 2, 30] and the device is a handheld device [bar code reader 36, col 19, lines 5-15]

Claim 4, 22, 23:

Haneda discloses wherein the device is an untethered handheld device [bar code reader 36, col 19, lines 5-15]

Claim 5, 24:

Haneda discloses wherein the read/write machine is a computer with at least one of (a) a floppy disk drive, (b) a CD ROMK drive, (c) a ZIP drive, and (d) a DVD drive [col 15, lines 7- 10]

Claim 6, 25:

Haneda discloses wherein the label based on the unique label identifier is a bar code label [Figs 10, 12]

Claim 7, 26:

Haneda discloses wherein the act of determining a unique volume label is based, at least in part, on state information accessible to the read/write machine [col 15, line 39, processing serial number]

Claim 8, 27:

Haneda discloses wherein the state information is a count sequence [col 15, line 39, processing serial number]

Claim 10, 29:

Haneda discloses (d) accepting information read from a label associated with the storage medium without reading the storage medium, (e) converting the accepted information into a database key, (f) requesting records from a database instance using the database key (g) accepting records in response to the request and (h) rendering information about the accepted records [Fig 2, col 19, lines 7-20, col 20, lines 50-55]

Claim 11, 30:

Haneda discloses wherein the label associated with the storage medium is a bar code and wherein the information read from the label is accepted from a bar code scanner [Fig 2, 36].

Claim 12, 31:

Haneda discloses wherein the information about the accepted records rendered includes file names [Fig 14, 15].

Claim 14:

Haneda discloses wherein the read label is converted into a database key by the handheld device, the records are requested from a database instance using the database key by the

handheld device, and the records are accepted in response to the request by the handheld device  
[Fig 2, col 23, lines 13-18, roll of film is specified by selecting its pet name]

Claim 15, 35:

Haneda discloses:

- (a) accepting one or more search parameters [user requests extra prints from laboratory, col 4, lines 5-15, user retrieves according to frame numbers of the film, col 3, lines 55-60] selected from a group of parameters consisting of (A) file name, (B) file size, (C) file author and (D) file type [col 54, lines 35-40]
- (b) generating a query based on the search parameters [user requests extra prints from laboratory, col 4, lines 5-15]
- (c) accepting one or more records returned in response to the query generated [order data transmitted to the laboratory system, col 4, lines 30-40]
- (d) rendering information associated with each of the one or more records accepted, the information rendered being related to the label associated with the storage medium storing one or more files identified with the one or more records accepted, wherein the label is provided on the storage medium without storing it on the storage medium [photographs are printed, col 4, lines 40-48, user is provided with printer, col 5, lines 25-30, creating a slide-show, col 9, lines 45-60]

Claim 16, 36

Haneda discloses accepting information read from the machine-readable labels, if the accepted information read from the machine-readable labels matches information associated with any one of the one or more records accepted, then generating a first indicator, said first indicator able to be perceived by humans [col 23, lines 1-10]

Claim 17, 37

Haneda discloses if the accepted information read from the machine-readable labels does not match information associated with any one of the one or more records accepted, then generating a second identifier, said second identifier able to be perceived by humans [col 23, lines 1-10, null return]

Claim 19, 39:

Haneda discloses wherein each of the labels include human-readable part, and wherein the information associated with each of the one or more labels accepted corresponds to the human-readable part of the labels [Figs 8 and 9].

Claim 34:

Haneda discloses means for synchronizing the database with a database maintained by a separate machine which created the storage medium [Fig 1, paragraph 36]

Claim 42:

Haneda discloses wherein the information rendered is related to the label associated with the storage medium storing one or more files identified with the one or more records accepted such that a user or scanner can distinguish the storage medium including the label from other storage media [Fig 2]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda in view of US Pat No 4,864,616 issued to Pond et al(hereafter Pond), as best examiner is able to ascertain.

Claim 9, 28:

Haneda discloses the elements of claims 1/15 as noted above but does not disclose wherein the database includes records, each record including a first field having as value associated with the unique volume label, and a second field having a value associated with a file stored on the storage medium. Pond discloses wherein the database includes records, each record including a first field having as value associated with the unique volume label, and a second field having a value associated with a file stored on the storage medium [col 3, lines 35- 55]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haneda to include wherein the database includes records, each record including a first field having as value associated with the unique volume label, and a second field having a value associated with a file stored on the storage medium as taught by Pond for the purpose of positively identifying a file in storage such that it can be quickly and accurately retrieved.

Claims 18 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haneda in view of US Pat No 5,971,279 issued to Raistrick et al (hereafter Raistrick), as best examiner is able to ascertain.

Claim 18, 38:

Haneda discloses the elements of the claimed invention as noted above but does not disclose wherein the first indicator is a first audible sound, and the second indicator is a second audible sound. Raistrick discloses wherein the first indicator is a first audible sound, and the second indicator is a second audible sound [Fig 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Haneda to include above limitation for the purpose of providing the user with a quick response which does not require an additional eye and/or hand movement.

#### ***Response to Arguments***

Applicant's arguments filed 3/21/2008 have been fully considered but they are not persuasive.

#### **Applicant Argues:**

Claim 1 reads, in part, "determining whether the storage medium has been assigned a unique volume label and a unique storage medium label, the unique storage medium label uniquely identifying the storage medium" (emphasis added). The examiner states that this is taught by Haneda: "the identification code on the user's disk is compared with the identification code attached to the image data preserved on the lab's disk in the laboratory system, col. 20, lines 25-30..." Applicants respectfully disagree. As Applicants understand the cited portion of Haneda, it merely teaches that a disk has an identification code; however, it teaches nothing about making a determination regarding a unique storage medium label and teaches nothing regarding actions taken when the storage medium contains no unique storage medium label. Consequently, Haneda



cannot anticipate claim 1. As such, applicants respectfully submit that claim 1 patentably defines over Haneda and is in condition for allowance.

**Examiner Responds:**

Examiner is not persuaded for the reasons given below.

All claim interpretation is predicated upon the broadest reasonable interpretation of the claim terms which would be fairly conveyed to one of ordinary skill in the pertinent art. Note that the order in which the below items are considered during claim interpretation has been the topic of much debate in the courts with respect to infringement/validity of issued patent claims. However, during prosecution of an application, the examiner's responsibility is simply to carefully evaluate the disclosure and give claims their broadest reasonable interpretation in light of that disclosure. By reading and understanding the disclosure and considering the items below, regardless of the order in which they are considered, the examiner will be able to set forth and use reasonable claim interpretation in the Office action. This provides Applicant with the opportunity to clarify their intended scope of coverage through amendment or by providing factual evidence on the record why the examiner's position is unreasonably broad.

The following items are things the examiner should look for and consider when determining and conveying in an Office Action the broadest reasonable interpretation of the claims being examined:

*explicit and deliberate* definition in the specification, which carries through to the claims and limits the claims to the explicit and deliberate definition in the specification;

*§112, 6<sup>th</sup> paragraph*, having been invoked, which limits a claimed “means” for achieving claimed functionality to what’s disclosed for achieving that functionality and items one of ordinary skill would recognize as functional equivalents to what’s disclosed; and, *intrinsic evidence* present in the disclosure, which does not limit the claims to the examples provided, but instead sets forth things which are clearly intended to be covered by what is claimed and may set forth items which are not intended to be covered.

Thus, if there is no explicit and deliberate definition in the specification and Applicant has not chosen to invoke the rebuttable presumption that §112, 6<sup>th</sup> paragraph applies by using “means” plus a modifying function in their claim, then the claims are not limited by the accompanying disclosure.

An example of an explicit and deliberate definition would be, “as used herein, the term ‘computer program product’ means the combination of a computer readable medium and the instructions or data structure stored thereon. This differs from intrinsic evidence, an example of which would be, “while described as hardware modules, the modules of the present invention may be implemented as software as well. If intrinsic evidence is present in the specification regarding breadth of coverage, that evidence may be used to support that the claim is broader than it would otherwise appear from a reading of the claim alone.

Absent any of the above noted items, the words in the context of the claims themselves, dictionary definitions (specialized and generic), and the level of ordinary skill (from treatises, a search of the prior art and other specialized information sources) are used to determine the broadest reasonable interpretation of the claim.

The following disclosure by applicant is pertinent:

Detail Description Paragraph:

[0054] Naturally, there are many ways to assign unique volume labels. One exemplary way is to maintain a sequence count which may be initialized (e.g., to "1000") when the content tracking application is installed onto the read/write machine (e.g., a personal computer). The unique volume label may be written by launching a DOS command such as "label a: {sequence count value}" within a JAVA application. When determining whether a current disk has a valid unique **volume label**, the (unique) **volume label** can be read and compared with the sequence count. If the read (unique) **volume label** is greater than the value of the sequence count (or less than the value of the initial sequence count), or is not an x-digit (e.g., 4-digit) number, then it may be deemed invalid.

Applicant fails to provide a specific and deliberate definition of "determining whether the storage medium has been assigned a unique volume label and a unique storage medium label, the unique storage medium label uniquely identifying the storage medium." Applicant merely provides intrinsic evidence, i.e., "[n]aturally, there are many ways to assign unique volume labels. One exemplary way is to maintain a sequence count which may be initialized."

Thus, since there is no explicit and deliberate definition in the specification, the claims are not limited by the accompanying disclosure.

Haneda discloses the following.

Haneda, column 16, lines 15-20

Two labels are created, one for the film and one for user's disk. These labels may be of different sizes but the identification codes shown on the labels are identical. The label for the film is affixed to the film (inclusive of the film sheath, film case and magazine), and the label for the user's disk is affixed to the user's disk (inclusive of a disk cassette and disk cartridge).

Haneda, column 15, lines 10-50:

When the recording unit 13 for the user's disk records the original digital image data obtained from one film or the reduced digital image data produced from the original image data on the user's disk, an identification code specific to the film is recorded on the

user's disk. The identification code basically is for identifying the film but preferably should be capable of clearly indicating which laboratory (or dealer) and which laboratory system processed the film. The identification code preferably includes one or a plurality of the following items: Country Number (a number which indicates the country where the film was developed); District Number (when a country is divided into a plurality of districts, this number indicates the district where the film was developed); Store Number (the serial number of the laboratory where the film was developed; inclusive of a shop or simple dealer at which the laboratory system is not installed; numbers may be serial numbers within the aforesaid districts); Date and Time (includes the day, time, month and year of development); Processing Machine Number (serial number of the laboratory system or apparatus constructing the system; when a plurality of units are concerned, such as the developing unit, printing unit, recording unit for the user's disk and photograph printer the numbers of all of these units may be included); Processing Serial Number (a serial number which indicates the sequence of processing in the laboratory system; the number may start from the beginning every day or may be assigned on a per-month basis); Film Number (a number for identifying the film; when several rolls of film have been processed for a single person, the number can be substituted by the processing serial number); and Miscellaneous (a number, symbol, code or figure for other identification purposes).

Haneda teaches that two labels are created, one for the film and one for the user's disk, which anticipates the claim limitation "determining whether the storage medium has been assigned a unique volume label and a unique storage medium label." One of ordinary skill in the art would be able to determine whether the labels must be created because the user has just brought in a new (emphasis added) film to the laboratory. It is a new (emphasis added) film that the user brought in for processing and recording and, therefore, obviously there are no existing labels. Haneda discloses that a unique label must be generated to uniquely identify the customer's film such that the film cassette and disk containing digitized image data can be positively identified for secure storage. One of ordinary skill in the art would be motivated to obtain a new disk for the customer's new film and obviously there would not be any pertinent labels on the new disk relating to the new customer and/or film. Even if a new disk was not used because there was empty storage space on the user's existing disk, a new label would be required

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to uniquely identify and record the new film which the customer has brought in for processing. Haneda discloses that the digital disk can be later retrieved based on its unique identification code such that additional prints can be produced for the customer. Examiner concludes that the teaching of Haneda does anticipate the claim limitation "determining whether the storage medium has been assigned a unique volume label and a unique storage medium label, the unique storage medium label uniquely identifying the storage medium"

**Applicant Argues:**

Applicants respectfully disagree with the rejection. Applicants respectfully submit that the cited portion of the reference does not teach "a group of parameters consisting of (A) file name, (B) file size, (C) file author and (D) file type." As such, applicants respectfully submit that claim 15 is in condition for allowance because not every element of the claim is taught by the cited reference.

**Examiner Responds:**

Examiner is not persuaded for the reasons given below.

Haneda discloses in column 22, lines 5-25 the following:

The film image file includes a header, the creation date of the file, the modification date (if necessary) of the file, the number of frames (the number of images) stored in this file, a path to a representative image, a pet name of the film, an image entry per frame, image data per frame and image data representing the representative image.

The representative image of a film is an image that most straightforwardly expresses a plurality of images contained on one roll of film. The representative image is ideal for use in searching for a film of interest from among a large number of films.

Further, the pet name is a word or phrase that most straightforwardly expresses a plurality of images included on a roll of film. One example is "Summer Festival", described later.

**The pet name also is convenient in searching for a film of interest.**

The representative image is designated and the pet name is entered when a reduced image of the film is stored on the user's disk at the laboratory.

The image entry is created for each frame contained on one roll of film and includes data relating to the image of the frame, e.g., the frame number (the identification number of the frame), orientation (whether the image has been stored in a vertical or horizontal attitude), the path to the image data of this frame, etc. Parameter data may be included in the image entry (in which case a parameter file would be unnecessary).

Haneda teaches number of frames stored in a file (file size), pet name of the film (file name) which anticipates the claimed "a group of parameters consisting of (A) file name, (B) file size, (C) file author and (D) file type."

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday through Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Etienne P LeRoux/  
Primary Examiner, Art Unit 2161

6/10/2008

